

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "ZONING", CHAPTER 7, "SCHEDULE OF DISTRICT REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY ADDING A CERTAIN SECTION AS SET OUT BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "Zoning", Chapter 7, "Schedule of District Regulations" of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2001.

APPROVED:

LYNN McILHANEY, Mayor

ATTEST:

Connie Hooks, City Secretary

APPROVED:

City Attorney

EXHIBIT "A"

That Chapter 12, "Zoning", Chapter 7, "Schedule of District Regulations" of the Code of Ordinances of the City of College Station, Texas, is hereby amended, as set out hereafter to read as follows:

7.25 . DISTRICT PDD PLANNED DEVELOPMENT

- A. **APPLICABILITY:** The Planned Development Districts (PDD) accommodate proposals for the same or similar uses to be developed as integrated units such as offices, commercial or service centers, shopping centers, industrial uses, residential developments or proposals where any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PDD may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this ordinance. It may also be used to permit developments that existing districts do not easily accommodate. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established to insure against misuse of increased flexibility. The PDDs are appropriate in areas where the land use plan reflects either the specific uses proposed in the PDD or where the land use plan reflects mixed use as a land use category.
- B. **PERMITTED USES:** Any use or combination of uses authorized by the Planning and Zoning Commission and City Council is permitted in a Planned Development District if the use is consistent with the following categories:
1. Planned Development District - Housing (PDD-H) - Any use permitted in the residential zoning districts is permitted in a PDD-H development excluding uses listed below.
 2. Planned Development District - Business (PDD-B) - Any use permitted in the office and commercial zoning districts is permitted in a PDD-B development, excluding uses listed below.
 3. Planned Development District - Industrial (PDD-I) - Any use permitted in the R&D or industrial zoning district is permitted in a PDD-I development, excluding uses listed below.

4. Planned Development District - Mixed Use (PDD-M) - Any combination of uses permitted in the residential, office, commercial or industrial zoning districts are permitted in a PDD-M development, excluding uses listed below.

C. PROHIBITED USES: The following uses are not allowed in any PD District:

1. Sexually Oriented Enterprises
2. Mobile or Manufactured Housing

D. APPLICATION

1. For a Planned Development District (PDD), the initial submission to the Planning and Zoning Commission (P&Z) shall consist of a request for a rezoning change and a Conceptual Plan on forms available in the Planning Department.
2. An application fee shall be submitted with the rezoning.
3. An application will not be processed until a mandatory preapplication conference has been held with the appropriate City Staff.

E. PROCEDURE:

1. Requests for a PDD designation shall be processed as a rezoning request and shall follow the procedures stated in Section 17 of this ordinance unless otherwise specified in this section.
2. If the proposed area involves any required or voluntary parkland dedication, the Concept Plan must be reviewed by the Parks Board prior to processing. Parks Board recommendations shall be forwarded to the P&Z. If the proposed area includes a greenway as shown on the Greenways Master Plan, or if the applicant is proposing voluntary greenway dedication or sale, the Concept Plan must be reviewed by the Greenways Program Manager prior to processing. The Coordinator's recommendation shall be forwarded to the Planning and Zoning Commission.
3. A preapplication conference is required prior to formal submission. The purpose of the meeting is to afford the applicant an opportunity to avail himself of the advice and assistance of the City Planning Staff before submitting the PDD application to the P&Z.

4. The P&Z shall review the rezoning change and the associated Conceptual Plan application and recommend approval, approval with conditions, or disapproval of the same.

5. The rezoning change and associated Conceptual Plan application will be sent forward to the City Council with a recommendation of the P&Z.

The Ordinance granting a PDD District shall include a statement as to the purpose and intent of the planned development granted therein. Any specific conditions of approval that are imposed by the City Council shall be listed in the PDD Ordinance and development plans shall be referenced as attachments. Any bulk or dimensional variations that were approved by City Council shall be listed in general terms in the Ordinance.

6. All Planned Development Districts approved in accordance with the provisions of this Zoning Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map. A list of such Planned Development Districts, together with the category of uses permitted therein, and the attached Concept Plan shall be maintained in the office of the City Planner.

F. **CONCEPT PLAN REQUIREMENTS** A Concept Plan shall accompany each PDD application and shall be general in nature. The Concept Plan will not be considered or reviewed as a complete site plan application.

1. The general development requirements for each separate PDD shall be included as part of the Concept Plan and shall include, but may not be limited to, the following:
 - a. A list of potential land uses,
 - b. A range of future building heights,
 - c. A general statement regarding proposed drainage control,
 - d. A list of general bulk or dimensional variations sought, and
 - e. The general location of the following, if applicable:
 - i. Parking areas
 - ii. Building sites and an indication of their use
 - iii. Artificially lit areas

- iv. Open spaces/conservation areas
 - v. Greenways
 - vi. Streets and access
 - vii. Parks
 - viii. Schools
 - ix. Buffer areas
 - x. Trails
 - xi. Buffer areas (or a statement indicating buffering proposed)
 - xii. Other special features
2. The Concept Plan for the proposed PDD shall show the location of the Planned Development District and the relationship of the various land uses included in the development. The form and content of the Concept Plan shall be general in nature but shall contain information to enable P&Z and the City Council to evaluate the proposal and ascertain that it meets the following:
- a. The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;
 - b. The proposal is in conformity with the policies and goals and objectives of the Comprehensive Plan including all its elements and will be consistent with the intent and purpose of this section;
 - c. The proposal will not adversely affect adjacent development;
 - d. Every dwelling unit has access to a public street directly or via a court, walkway or other public area or area owned by a homeowners association, but need not front on a public street;
 - e. The provisions for parking spaces for all uses will be as established in Section 9 of this ordinance. Alternative parking standards may be allowed where the applicant provides evidence showing the alternative is acceptable to the City and meets the intent of Section 9;
 - f. There will be adequate drainage development; and

- g. The development includes provision of adequate public improvements, including but not limited to parks, schools, and other public facilities.

G. REVIEW CRITERIA The Planning and Zoning Commission or City Council shall not approve a planned development if it finds that the proposed planned development:

1. Does not conform with applicable regulations and standards established by this ordinance;
2. Is not compatible with existing or permitted uses on abutting sites or with uses internal to the PDD, in terms of use, building height, bulk and scale, density, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section;
3. Potentially creates unfavorable effects or impacts on other existing uses in the area or potential permitted uses in the area that cannot be mitigated by the provisions of this section;
4. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area;
5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts;
6. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs; or
7. Will be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the Commission or City Council.
8. Does not generally comply with the policies adopted in the Comprehensive Plan of the City of College Station.

H. Unless otherwise indicated in the approved Concept Plan, the minimum requirements for each development shall be those stated in the Subdivision Regulations and the requirements of the most restrictive standard zoning district in which designated uses are permitted. Modification of these standards may be considered during the approval process of the PDD.

- I. Overall density in any planned development shall not exceed that shown on the Land Use Plan for the particular location. Lesser densities may be required to ensure compatibility with surrounding existing neighborhood densities.
- J. The granting of a PDD designation shall not relieve the developer from responsibility for complying with all other applicable sections of the Zoning Ordinance, and other codes and ordinances of the City of College Station unless such relief is granted in the approved Concept Plan.
- K. An owners association will be required if other satisfactory arrangements have not been made for providing, operating, and maintaining common facilities including streets, drives, service and parking areas, common open spaces, buffer areas and common recreational areas at the time the development plan is submitted. If an owners association is required, it shall be submitted to the City to assure compliance with the provisions of this ordinance.
- L. All changes of use from those approved in the original PDD, and any deviations from the approved Concept Plan, shall require City Council approval.
- M. EXPIRATION OF APPROVAL The Concept Plan shall expire and the zoning shall revert to the previous zoning classification that existed on the affected properties prior to the PDD rezoning if further development action has not been apparent within 24 months of the effective date of the PDD Ordinance.

EXHIBIT "B"

That Chapter 12, "Zoning", Chapter 10, "Site Plan Review Requirements", Section 10.1 B. of the Code of Ordinances of the City of College Station, Texas, is hereby amended, as set out hereafter to read as follows:

B. No approval of a site plan which fails to meet the express requirements of city ordinances shall be granted unless a variance to such requirements has been granted by the appropriate appeals board or commission. If the subject property has been rezoned to PDD Planned Development District, the City Council may approve general modifications to the site development standards. The general modifications shall be indicated in the ordinance that rezones the property. The City Planning Staff shall determine the specific standards that comply with the general modifications of the site development standards at the time a site plan is approved. The applicant or the City Planning Staff may have the Planning and Zoning Commission determine the specific standards that comply with the general modifications approved by the City Council.